

Mrs. SHAHEEN. Madam President, my amendment is simple and straightforward. It would establish a deficit-neutral reserve fund to monitor FHA-approved loans. The Federal Housing Administration, the FHA, plays an increasingly critical role in promoting home ownership during these tough economic times. The FHA insures one-third of all new mortgages. The number of FHA-approved lenders has doubled in the past 2 years. However, the Department of Housing and Urban Development has not received additional resources to expand its efforts to investigate claims of fraud.

Recent reports of a rise in borrowers who haven't made even one payment suggest that fraudulent activity has increased among FHA-backed loans. Should that activity continue to increase, FHA and its critical work could be put at risk. As we all know, in the runup to the subprime crisis, many fraudulent lenders pushed borrowers into mortgages and refinancings that they could not afford just to collect the commissions and fees. We need to make sure we prevent that activity from migrating to federally insured loans which would put taxpayers at risk for footing the bill of another bailout. This amendment addresses the need for HUD to properly investigate and remove fraudulent lenders from the program wherever appropriate. It creates a deficit-neutral reserve fund—a deficit-neutral fund—to increase the capacity of the inspector general of Housing and Urban Development to investigate cases of fraud of FHA loans.

I am hopeful my colleagues will join in this effort and support my amendment. As we all know, at this critical time when we are trying to make sure there are stimulus funds available and that we are doing all we can in Government to support the ability of the private sector to respond to this economic decline we are in, we need to make sure we have the oversight capability to run programs as effectively and efficiently as possible. That is what this amendment would help accomplish.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 844

Mr. CRAPO. Madam President, in a few moments I am going to send an amendment to the desk. It is on its way over here right now. I would like to speak about it for a few minutes until it arrives, at which point I will ask to set aside the pending amendment and offer the amendment.

The amendment I wish to offer is very critical. We debate budgets every year in Congress, and most of the years I have served here—I was elected in

1993 and served 6 years in the House, and now I am in my second term in the Senate—most of those years we have adopted a budget resolution. Some of those years we were not able to get the necessary votes to adopt one. But as we proceeded and moved forward in the deliberations of these budgets, I noted an interesting thing: Some years we would have a 10-year budget we looked at. We would have the year we were actually working on—and in this case, we are working on the 2010 budget—and then we would project out 9 more years and say: We expect, in the next 10 years following the year we are working on, to see the following budget numbers be honored with regard to defense spending or nondefense discretionary spending or the like. Sometimes we only look out 5 years.

This year, the President submitted a budget that looked out 10 years. The Budget Committee, however, took that budget window and reduced it to 5 years. The reason I point this out is because as we talk about what the budget is going to do and what the fiscal impact of the decisions we are debating today is going to be, we always talk about whether the budget is going to get us on a glide path to balancing our Federal budget, what kinds of deficits are going to mount in the outyears, what kinds of tax increases or tax reductions are going to be accomplished in the budget. Yet, if you look closely at these budget documents and if you look closely at this budget document, all the tough decisions are always in the outyears. I should not say that is always the case because I have to say that occasionally Congress has stepped up to the plate and has made some tough decisions. But it is not the commonplace occurrence.

Let me give you an example. The amendment I am going to offer would cap the first 3 years of this proposed budget in terms of nondefense discretionary spending. In other words, it would say this budget proposes the following spending in nondefense discretionary categories for 2010, 2011, and 2012, and thereafter, and my amendment would say that the numbers that are proposed in this budget will be binding on Congress. In other words, if we adopt this budget, we will follow it. And I am only saying for 3 years. I am not even saying for the full 5-year window the Budget Committee has put forward or for the full 10-year window the President has put forward.

Why is this so important? Sometimes I jokingly say that during the time I have served in Congress, I have never made it to year 2 of any budget because every time we do a budget—whether it is a 10-year budget or a 5-year budget—we always implement the first year of that budget and then next year, when we come back, we seem to forget about what the budget projections were and what our promises to the American public were, and we start all over again and we do another 5-year budget. And year 1 of the next 5-year budget does

not even look like what year 2 of the last budget was.

Let me give you an example. I was going to have some charts ready, but the opportunity to speak came before the charts got here. If I could show you those charts, I would show you that for the 2010 budget year we are working on today, if you had looked at what Congress said it was going to do this year 3 or 4 years ago, and then you looked at what Congress said it was going to do this year 2 years ago, and then you looked at what Congress said it was going to do this year 1 year ago, and then you looked at what Congress is proposing to do this year, they are not at all similar. As you might guess, the proposed spending in this year's budget for this year is far in excess of what the projections were in the previous budgets which we debated and voted on.

Let me put it another way. This year, we are looking at a 5-year window. The increase in nondefense discretionary spending in the first year of this budget we are talking about is approximately 7.3 percent—well over double the rate of the growth of the economy.

Just as a note, last year, the budget that we adopted finally in the Omnibus appropriations bill increased nondefense discretionary spending by about 10 percent. So in just 2 years, we have seen nondefense discretionary spending increase by about 15 to 17 or maybe even more percent.

Well, back to the budget. The proposed increase in nondefense discretionary spending for this year in this budget is about 7.3 percent. But the promise is: OK, we have to spend that much this year, but we are going to be better in the outyears. So in the second year of this budget, the proposed increase is down, I believe, around 1 percent. In the third year, I believe that proposed increase is about 1.5 to 2 percent.

But my point is, we are not going to get to those years. We never adopt the next year—the second year and the third year and the fourth year and the fifth year in these budgets we debate.

So all my amendment will do is this: If we are telling the American public we have to increase our discretionary spending by 15 to 20 percent over the last 2 years—7 percent alone in this budget year—but that we are going to be fiscally more conservative and responsible in the outyears, let's make that binding. Let's at least say for the next couple of years we have to follow the budget we are debating. All we would need to do in order to accomplish that is to put some caps on that nondefense discretionary spending as we move into it in the outyears.

Every time we look at this, the spending goes up. If you look at the actual rate of growth in our budget, it is unsustainable. What we need to do is to be straightforward with the American people as we approach this. Anything else is just window dressing. All of the numbers we are talking about today

and all of the projections we are talking about—how we are going to try to bring the deficit under control or reduce the national debt—are simply window dressing if we do not make them binding, other than the first year of this budget. That is what will really be binding.

I will say it again: The only thing that will really be binding in this budget, if we adopt this budget resolution, is the first year. This amendment would make, in the nondefense discretionary spending portion of the budget, the second and the third year numbers binding. By doing so, Congress would actually be setting some parameters for itself so we could have a firm confidence that as we move forward, we will be able to have the kind of deficit reduction and spending restraint we always talk about.

Madam President, at this time, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment. The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 844.

Mr. CRAPO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to protect the fiscal discipline on discretionary spending exercised by the reported budget resolution by extending the resolution's discretionary spending limits to exactly the same level as already assumed in the resolution to make sure that debt is not increased further than contemplated by this budget resolution as a result of subsequent budget resolutions or appropriation bills)

On page 50, line 12, strike "and".

On page 50, insert after line 15:

"(3) for fiscal year 2011, \$1,092,921,000 in new budget authority;

(4) for fiscal year 2012, \$1,112,047,000 in new budget authority; and"

On page 49, insert on line 12 after the word "bill":

" , concurrent resolution,".

Mr. CRAPO. Madam President, as I have said, the amendment is very simple, and it really speaks for itself. It simply says that instead of debating numbers that do not mean anything, let's put some meaning and some authority behind the numbers we are debating. Let's not continue the game Congress continues to play year after year whereby we adopt a budget with no hard decisions in the first year, which is the only binding year, and all the tough decisions in the outyears are not binding and never reached. And let's say we are serious about it.

I have even agreed in my amendment to accept the high numbers in the first year. I personally would prefer to have some restraint now in the first year of this budget, and instead of increasing spending in this Government by 7.3 percent, I would rather reduce it to the

rate of the growth of the economy or below that, and let's start catching up a little bit with regard to the spending we are engaged in.

Many people have said on this floor that this budget spends too much, it taxes too much, and it borrows too much. The most significant portion of all of that occurs in this first year. Let's get to some of the restraint that is promised in the second and third years by adopting this amendment, putting the caps on the nondefense discretionary spending categories, and make sure Congress, like the households and businesses across this Nation, tightens its belt and follows a budget.

Madam President, I yield the floor.

Mr. CONRAD. Madam President, first of all, I wish to thank the Senator for his amendment and especially thank him for the contribution he makes on budget issues. He is a thoughtful and responsible Member. I thank him for his service.

With respect to the amendment he has offered, we have a difference on this issue, and the difference is this: What he said is exactly right in the sense that we have a budget which is really effective for 1 year because we have caps for 1 year. But more than that, we are going to be back doing another budget resolution next year, so, frankly, having outyear caps doesn't mean very much. What matters are the caps for this year, and the caps we have in this budget pertain to this year. The outyear caps he is referencing—we will have another budget next year, and we will deal with that next year.

Unfortunately, what has happened in the past on these caps is people have found a way to game them, and especially in the outyears. How do they do that? They come up with all of these advanced funding schemes to get around the outyear caps. What else do they do? They label as "emergencies" things that are really not. For example, we saw war funding in the third year of the war in Iraq and in the fourth year of the war in Iraq labeled as emergency by the previous administration as if we didn't know the war was still going on.

So I say to our colleagues, the budget resolution before us has a cap for 2010, and the outyear caps, to me, are superfluous because we are going to have another budget resolution next year.

I wish to also point out that the budget that is before us, in fact, has reduced the President's request on domestic spending by over \$160 billion, and \$15 billion in this year alone.

I say to my colleagues, anybody who doesn't understand the magnitude of those cuts, come and join me in my office, or come and join me at the meetings, such as the meeting I had yesterday with certain of my colleagues who were very upset because for the next 5 years, the average annual increase in non-defense discretionary spending is 2.5 percent—2.5 percent. The Senator says, fairly, that you can have a budget

that says that, but if it is not enforced by caps, it will be revised.

The truth is, that is the case whether you have outyear caps or not. It is just the reality because we will be doing a budget next year, and more than that, because there is nothing quite so creative as the mind of man.

I will tell my colleagues, in my 22 years on the Budget Committee, I have seen every conceivable dodge to get around caps. I think I have learned them all. I just hope very much that we get about the business of putting together a longer-term plan that deals with reforming the entitlements, reforming the tax structure, so we can get on a much more sustainable, long-term base.

With that, could the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has used 4 minutes, and the Senator from Idaho has used 2 minutes.

Mr. CONRAD. And how much time remains?

The PRESIDING OFFICER. There is 56 minutes remaining for the Senator from North Dakota and 58 minutes for the Senator from Idaho.

Mr. CRAPO. Madam President, could I just have a couple of minutes before we move on to the next item?

Mr. CONRAD. How much more time would the Senator like on this?

Mr. CRAPO. Two or three minutes is all.

Mr. CONRAD. Madam President, I ask unanimous consent that the Senator from Idaho have an additional 3 minutes, that I have an additional minute on this matter, and then—what is the next order of business?

The PRESIDING OFFICER. There is no amendment to follow.

Mr. CONRAD. OK. I think we have been trying to go back and forth. Senator TESTER, I see, is here. How much time does the Senator seek?

Mr. TESTER. Five or ten minutes. I will probably use 5 minutes.

Mr. CONRAD. OK. Would it be OK if we ask for 7 minutes?

Mr. TESTER. That is perfect.

Mr. CONRAD. Seven minutes for the Senator from Montana, and then who is up next, Senator BUNNING?

Mr. BUNNING. I have about 15 minutes.

Mr. CONRAD. And will the Senator want to offer an amendment?

Mr. BUNNING. I am going to talk about two amendments, but I am going to wait to offer them through the vote-a-rama tomorrow.

Mr. CONRAD. The Senator deserves a special place. What a good example for other colleagues.

So we go to Senator BUNNING, then, for 15 minutes after Senator TESTER. Is Senator ENSIGN seeking time?

Mr. ENSIGN. I need about 10 minutes.

Mr. CONRAD. We have Senator REED coming at 1:45. He would be next for how long? Well, maybe we could allocate 10 minutes to Senator REED, and then Senator ENSIGN, how much time?

Mr. ENSIGN. I would need just 10 minutes. If I could just get my amendment pending then I could speak later in the day.

Mr. CONRAD. We have not seen the amendment.

Mr. ENSIGN. This is the Medicare prescription Part D, means testing amendment.

Mr. CONRAD. If we could then do Senator ENSIGN for 10 minutes.

Mr. ENSIGN. Would you allow me to offer it to get it pending and then I can come back later?

Mr. CONRAD. Yes. Is that acceptable?

Mr. ENSIGN. I am not going to speak now; I just wish to get it pending at this point.

Mr. CONRAD. Well, they have another Senator coming. The problem is, we have now allocated time that is going to go way past what is in this consent agreement.

If Senator ENSIGN just called up his amendment, would that be—

Mr. ENSIGN. That is all I want to do.

Mr. CONRAD. OK. Let's go then in the order we had. Senator CRAPO had a couple of more minutes, and then I would take some time and then we would go back to Senator TESTER and then to Senator BUNNING.

Mr. CRAPO. Should we let Senator ENSIGN go right now?

Mr. CONRAD. If you would just call it up.

AMENDMENT NO. 805

Mr. ENSIGN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 805.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, and Mr. ENZI, proposes an amendment numbered 805.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require certain higher-income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the budget of the United States Government most recently submitted by the President)

On page 4, line 15, decrease the amount by \$303,420,000.

On page 4, line 16, decrease the amount by \$475,732,000.

On page 4, line 17, decrease the amount by \$599,908,000.

On page 4, line 18, decrease the amount by \$755,924,000.

On page 4, line 24, decrease the amount by \$303,420,000.

On page 4, line 25, decrease the amount by \$475,732,000.

On page 5, line 1, decrease the amount by \$599,908,000.

On page 5, line 2, decrease the amount by \$755,924,000.

On page 5, line 8, decrease the amount by \$303,420,000.

On page 5, line 9, decrease the amount by \$475,732,000.

On page 5, line 10, decrease the amount by \$599,908,000.

On page 5, line 11, decrease the amount by \$755,924,000.

On page 5, line 18, decrease the amount by \$303,420,000.

On page 5, line 19, decrease the amount by \$779,152,000.

On page 5, line 20, decrease the amount by \$1,379,060,000.

On page 5, line 21, decrease the amount by \$2,134,984,000.

On page 6, line 1, decrease the amount by \$303,420,000.

On page 6, line 2, decrease the amount by \$779,152,000.

On page 6, line 3, decrease the amount by \$1,379,060,000.

On page 6, line 4, decrease the amount by \$2,134,984,000.

On page 21, line 3, decrease the amount by \$300,000,000.

On page 21, line 4, decrease the amount by \$300,000,000.

On page 21, line 7, decrease the amount by \$460,000,000.

On page 21, line 8, decrease the amount by \$460,000,000.

On page 21, line 11, decrease the amount by \$560,000,000.

On page 21, line 12, decrease the amount by \$560,000,000.

On page 21, line 15, decrease the amount by \$680,000,000.

On page 21, line 16, decrease the amount by \$680,000,000.

On page 27, line 3, decrease the amount by \$3,420,000.

On page 27, line 4, decrease the amount by \$3,420,000.

On page 27, line 7, decrease the amount by \$15,732,000.

On page 27, line 8, decrease the amount by \$15,732,000.

On page 27, line 11, decrease the amount by \$39,908,000.

On page 27, line 12, decrease the amount by \$39,908,000.

On page 27, line 15, decrease the amount by \$75,924,000.

On page 27, line 16, decrease the amount by \$75,924,000.

Mr. ENSIGN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent that we return to the previous amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 844

Mr. CRAPO. Madam President, I will be brief. I do appreciate Senator CONRAD and the service he provides to us as the chairman of the Budget Committee. He makes some very good points. It is true that Congress can come back at any time and change the caps that we might put on today, but at least the Congress would have to debate that and would have to make a conscious decision that America could watch, and Congress would have to say to America: You know what. We are not going to do what we said we would do. If we don't put caps on this budget, then there is nothing the Congress has to do but adopt another budget resolution.

By the way, I also appreciate the fact that some of the emergency spending and the other games that are used in Congress to get around caps are identified by the chairman as difficult problems. We need to have much less of that gamesmanship and much more following of the rules in our budget so that Americans can truly see how much is spent and how much is being taxed as we move into these budgets.

I wish to give a couple of examples to show what I am talking about before I conclude. If we were to look at the fiscal year budget authority for 2009; that is, the budget year we have just finished with the Omnibus appropriations bill a few weeks back—in 2006, we said in 2009 we were going to spend \$409-plus billion. In 2007, we didn't get a budget report because we couldn't reach agreement on one. In 2008, we said that number was going to be \$465 billion. In 2009, we actually said it was going to be about \$480 billion—or \$488 billion. The real number ended up being almost \$800 billion.

I realize there was some stimulus package money in there, some TARP spending, and so forth. The point is, it went up from the projection in 2006 of \$409 billion to a reality, even without the TARP and other dollars, of around \$500 billion.

What about this year we are talking about right now? The proposed budget for this year, I think, is around \$525 million for nondefense discretionary spending. That is what we are debating on the floor today. Well, in 2006 when we debated the budget and set our projections, that number was around \$409 billion; in 2008, \$476 billion; in 2009, \$492 billion; now, as we move forward to the final projection, \$525 billion.

The point I make is that every year Congress says this is what we are going to spend in the outyears, and every time we come back to it we never follow those requirements. We should put caps on at least the first 2 outyears so that when Congress comes back to deliberate again, and when the President submits a budget to us next year, there are fiscal caps for nondefense discretionary spending requiring the restraint we are promising Americans we will someday get to.

Congress has a pattern of spending more and more and more every year. As I have indicated, nondefense discretionary spending has gone up 15 to 17 percent the last 2 years. The fact is, it is time for us to adopt this amendment and put caps on the first 3 years of this budget to force some fiscal restraint in Congress.

Thank you, Madam President. I yield the floor.

Mr. CONRAD. Madam President, just briefly, in a way, the Senator makes my point because none of us can foresee what happens 2 and 3 years from now. That is why we do an annual budget resolution. The numbers he just cited—who knew we were going to fall off the edge and have a precipitous decline in the economy?